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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,884	03/10/2004	Eugenio Mannella	67,167-003/S706-03	5075
26/096 7590 02/02/2011 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009				
EXAMINER				
BARRETT, SUZANNE LALE DINO				
ART UNIT		PAPER NUMBER		
3673				
MAIL DATE		DELIVERY MODE		
02/02/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/797,884

**Applicant(s)**

MANNELLA, EUGENIO

**Examiner**

Suzanne Dino Barrett

**Art Unit**

3673

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 21 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 24 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 8, 15, 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

**Upon further consideration of the amendment filed 12/15/10, new prior art was discovered which necessitates a new rejection. Accordingly, prosecution is reopened and the following is a new non-final action on the merits.**

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Heinrich 6,568,229. Heinrich discloses a lock core assembly (Figures 2 and 4 especially) comprising: a barrel (110) which defines an axis (111); and a plug (150) mountable for rotation within said barrel for rotation around said axis relative said barrel, said plug comprising an rear segment (at 151) which defines a first plane parallel to a second plane (see Figure 4), said first plane and said second plane transverse and offset along said axis, a first engagement member (151) at least partially within said first plane and a second engagement member (cylindrical/circular portion behind 151 and including the block stop portion at the top thereof) at least partially within said second plane, said first engagement member perpendicular to said second engagement member. The lock cylinder assembly wherein said second engagement member

comprises a stop that extends from a circular member defined at least partially around said axis, said circular member located at least partially within said second plane (as in claim 2); and wherein said circular member defines an inner diameter and said stop extends from said circular member transverse to said axis to define at least a portion of an outer diameter (as in claim 3); and wherein said plug defines a groove (tumbler groove 155) (as in claim 5).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6,9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinrich 6,568,229 in view of Neary 4,068,510. Heinrich teaches the assembly described above further teaching a rotor actuator (203) having a female member (201) to engage with the male member 151 but fails to teach having a well known spindle or torque blade arrangement as set forth in claims 6,9 and 11, or opposed spindle cams as set forth in claim 10. Neary teaches a lock cylinder arrangement comprising a well known spindle or torque blade actuator (76) arrangement on the end of a plug assembly having opposed cams 78,79. With respect to claim 11, Heinrich further teaches a retainer clip (250) to retain the rotor female end (203) over the male end (151). It would have been obvious to one of ordinary skill in the art to modify the lock cylinder assembly

of Heinrich by substituting a well known spindle or torque blade actuator of Neary for the rotor actuator of Heinrich as an obvious matter of design choice.

***Allowable Subject Matter***

4. Claims 21,24 are allowed.
5. Claims 4,7,8,15,16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The prior art of record fails to teach or suggest a rear plug segment recessed within said plug or a retainer engaging the groove in the plug and having a frustrum-conical shape.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 571-272-7053. The examiner can normally be reached on M-Th 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Suzanne Dino Barrett  
Primary Examiner  
Art Unit 3673

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